In the Supreme Court of the United States.

OCTOBER TERM, 1920.

THE UNITED STATES OF AMERICA,
Plaintiff in Error,
v.
CORONADO BEACH COMPANY.
No. 524.

THE UNITED STATES OF AMERICA,
Appellant,
v.
CORONADO BEACH COMPANY.
No. 525.

IN ERROR TO AND APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

MOTION TO ADVANCE.

Comes now the Solicitor General, on behalf of the United States, plaintiff in error and appellant in the above-entitled cases, and moves the court to advance said cases for argument *together* at an early date convenient to the court during the present term.

The United States brought suit to condemn North Island in San Diego Harbor, California, for use as an aviation site for the Army and Navy.

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The property involved was patented to the predecessors in title of the Coronado Beach Company by the United States under a confirmation of a Mexican grant. Under the Mexican law in grants of this kind there was a reservation to the Government of the right to make use of any portion of such lands for the purpose of constructing warehouses, arsenals, and other public edifices, if necessary, for the security or defense of the nation. It is asserted by the United States that that reservation is enforceable by the United States and that the Coronado Beach Company holds the land burdened with that reservation.

The record on appeal (No. 525) presents that question, decided adversely to the Government by the District Court.

The case on writ of error (No. 524) brings up for review the case on the law side, the trial of which resulted in an award by the jury and a judgment by the court of $5,000,000.00 as the value of the land. Error is asserted in the admission of certain evidence and in a ruling that certain submerged or tide lands were properly a part of North Island and that the company should have compensation therefor.

The Act of Congress authorizing condemnation (Act of July 27, 1917, ch. 42, 40 Stat. 247, 248) provided for a direct appeal to this court. It also provided that interest should be allowed on the award at the rate of 6 per cent from the time of

taking possession. The United States took possession on August 1, 1917. Up to date the interest on the award amounts to about $1,000,000—it is running at the rate of $25,000 per month.

Notice of this motion has been served upon opposing counsel.

Respectfully submitted.

WILLIAM L. FRIERSON,
Solicitor General.

NOVEMBER, 1920.

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